

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Harry Feigen	Team: Squad #4	CCRB Case #: 201503211	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 04/19/2015 11:30 PM	Location of Incident: 42nd Precinct stationhouse	Precinct: 42	18 Mo. SOL 10/19/2016	EO SOL 10/19/2016	
Date/Time CV Reported Mon, 04/20/2015 10:35 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 04/24/2015 2:38 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Maurice Grant	06648	928415	042 PCT
2. POM Robert Castillo	30716	932435	042 PCT
3. SGT Ioannis Argyros	01847	920042	042 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Robert Castillo	Discourtesy: PO Robert Castillo spoke rudely to § 87(2)(b) and § 87(2)(b)	
B.POM Robert Castillo	Off. Language: PO Robert Castillo made remarks to § 87(2)(b) and § 87(2)(b) based upon their sex.	
C.POM Maurice Grant	Abuse: PO Maurice Grant did not obtain medical treatment for § 87(2)(b)	
D.SGT Ioannis Argyros	Abuse: Sgt. Ioannis Argyros did not obtain medical treatment for § 87(2)(b)	
E.SGT Ioannis Argyros	Discourtesy: Sgt. Ioannis Argyros spoke rudely to § 87(2)(b)	
F.SGT Ioannis Argyros	Off. Language: Sgt. Ioannis Argyros made remarks to § 87(2)(b) based upon her sex.	
G.SGT Ioannis Argyros	Off. Language: Sgt. Ioannis Argyros made remarks to § 87(2)(b) based upon race.	
H.SGT Ioannis Argyros	Abuse: Sgt. Ioannis Argyros threatened § 87(2)(b) with the use of force.	
I.SGT Ioannis Argyros	Force: Sgt. Ioannis Argyros used physical force against § 87(2)(b)	

Case Summary

On April 20, 2015, § 87(2)(b) filed this complaint with IAB by phone, generating IAB log number 15-10360.

On April 19, 2015, at approximately 11:30 p.m., § 87(2)(b) and her neighbor, § 87(2)(b) were both arrested by PO Maurice Grant and brought to the 42nd Precinct stationhouse after getting into a physical altercation at their apartment building. While § 87(2)(b) and § 87(2)(b) were at the front desk giving their pedigree information to PO Grant, PO Robert Castillo told them, “You bitches better shut the fuck up” (**Allegations A and B**). Several minutes later, both women were searched and placed in holding cells.

Approximately one hour later, PO Grant entered the cell area to fingerprint § 87(2)(b) and § 87(2)(b). § 87(2)(b) who is diabetic, asked PO Grant to call an ambulance for her, as she needed an insulin injection. § 87(2)(b) refused to let PO Grant take her fingerprints until he called an ambulance. PO Grant returned several times over the course of the next hour to fingerprint § 87(2)(b) but she continued to refuse, and no ambulance was called for § 87(2)(b) (**Allegation C**).

At approximately 2:00 a.m., § 87(2)(b) was given a phone call, and she called an ambulance for herself. Four male prisoners were then brought into the cell area, and § 87(2)(b) was taken out of her cell and handcuffed to the outside to make room for them. The ambulance § 87(2)(b) had called arrived outside of the stationhouse, but no EMTs came in to see § 87(2)(b). She opened a window in the cell area and started yelling for help, at which point the desk sergeant, Sgt. Ioannis Argyros, entered the cell area and told § 87(2)(b) “Listen bitch. I don’t give a fuck if you’re in here shaking for your insulin on the floor about to die. You’re not gonna get shit until you’re fingerprinted” (**Allegations D, E, and F**).

Sgt. Argyros left, and § 87(2)(b) started yelling out the window again for someone to come help her. Sgt. Argyros returned to § 87(2)(b) with a group of officers and stated, “Do you think I’m a rookie, bitch? I’m not a rookie; you’re gonna do whatever the fuck I say you fat bitch” (**subsumed in allegations E and F**). The officers moved § 87(2)(b) back into a cell, and struggled to place her in handcuffs. During this struggle, Sgt. Argyros called § 87(2)(b) a “monkey bitch” (**Allegation G**) and told her he would “fuck her up” (**Allegation H**). § 87(2)(b) was handcuffed, placed against a wall, and Sgt. Argyros slammed his elbow down into § 87(2)(b)’s back (**Allegation I**). The officers then exited the cell area.

The EMTs never came in to see § 87(2)(b) and she never received any medical treatment while in NYPD custody, although she requested it several more times. She eventually let PO Grant fingerprint her. At approximately 5:30 a.m., § 87(2)(b) and § 87(2)(b) were transported to Central Booking.

Mediation, Criminal, and Civil Histories

- This case was not suitable for mediation, due to § 87(2)(b) and § 87(2)(b) arrests.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- A notice of claim request was submitted to the Comptroller's office on June 30, 2015. It will be added to the case file upon its receipt.

Civilian and Officer CCRB Histories

- [§ 87(2)(b)]
[REDACTED]
[REDACTED]
- This is [§ 87(2)(b)] first CCRB complaint.
- PO Grant has been a member of service for fourteen years. He has no prior CCRB complaints on his record.
- PO Castillo has been a member of service for twelve years. He has no substantiated allegations on his record, [§ 87(2)(g)]
- Sgt. Ioannis Argyros has been a member of service for seventeen years. He has no substantiated allegations on his record. He has three previous discourtesy allegations on his record, two of which have been closed as unsubstantiated, and one as exonerated.

Findings and Recommendations

Explanation of Subject Officer Identification

[§ 87(2)(b)] identified PO Castillo by his name, which she read off of his uniform during the incident. No other PO Castillo was working in the 42nd Precinct at that time, and PO Castillo's assignment as a T/S Operator on the date of the incident is consistent with [§ 87(2)(b)]. [§ 87(2)(b)]'s account that he came into the cell area multiple times throughout the incident. Lastly, both women gave accurate descriptions of PO Castillo.

Although neither [§ 87(2)(b)] nor [§ 87(2)(b)] could identify Sgt. Argyros by name, [§ 87(2)(b)] believed he was a sergeant due to the stripes on his uniform. The tour one roll call from April 20, 2015 indicates that no other supervisor would have been in the stationhouse during the incident besides Sgt. Argyros, who was the desk sergeant (01 Board Review). [§ 87(2)(b)] described this subject officer as a 6'0" tall, 300 pound, 50 year-old white male with black hair. [§ 87(2)(b)] described him as a 300 pound Hispanic male with black hair in his late 40s. Sgt. Argyros is a 6'0" tall, 270 pound, white male with black hair, who was [§ 87(2)(b)] old on the date of the incident (02 Board Review). His complexion is dark, and he could be mistaken for a Hispanic male. Furthermore, both PO Grant and PO Castillo admitted that Sgt. Argyros went into the cell area several times throughout his tour to speak with [§ 87(2)(b)] while she was upset and yelling, which is entirely consistent with [§ 87(2)(b)]'s and [§ 87(2)(b)] accounts. [§ 87(2)(g)]

§ 87(2)(g)

██████████

Allegation B: Offensive Language – PO Robert Castillo made remarks to § 87(2)(b) and § 87(2)(b) based upon their sex.

§ 87(2)(b) alleged that as they were being brought from the front desk to the cell area, PO Castillo told them, “Shut the fuck up, you’re all whining bitches” (04 Board Review).

§ 87(2)(g)

Category	Percentage
U.S. should take action	85%
U.S. should not take action	15%
U.S. should take action but not at the expense of the economy	85%
U.S. should take action but not at the expense of jobs	85%
U.S. should take action but not at the expense of the environment	85%

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation C: PO Maurice Grant did not obtain medical treatment for § 87(2)(b)

It is undisputed that § 87(2)(b) told PO Grant she was diabetic, and asked him to call an ambulance so she could receive an insulin injection. It is also undisputed that PO Grant was in receipt of § 87(2)(b)'s request for medical treatment.

§ 87(2)(g)

§ 87(2)(b) PO Grant first stated that he called an ambulance approximately fifteen minutes after § 87(2)(b) made the request to him, but was unaware whether § 87(2)(b) actually received medical treatment § 87(2)(g)

§ 87(2)(b) PO Grant contradicted himself later in the interview, stating he could not recall if he himself called the ambulance, or if the desk sergeant did so. Sgt. Argyros § 87(2)(g) did not recall the incident. Furthermore, the SPRINT index (11 Board Review) indicates that the only call made for an ambulance was the one made by § 87(2)(b) herself, and the command log (12 Board Review) does not note the presence of any EMTs entering the stationhouse to provide medical treatment for § 87(2)(b) thereby confirming § 87(2)(b) and § 87(2)(b) accounts that no ambulance was ever called for § 87(2)(b)

According to Patrol Guide Procedure 210-04 (1), when a prisoner requires medical treatment, an officer must request an ambulance, and accompany the prisoner to the hospital (13 Board Review).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation E: Sgt. Ioannis Argyros spoke rudely to § 87(2)(b)

§ 87(2)(b) alleged that, after she opened the window in the cell area and started yelling outside for help, Sgt. Argyros entered the cell area and stated, “Listen bitch. I don’t give a fuck if you’re in here shaking for your insulin on the floor about to die. You’re not gonna get shit until you’re fingerprinted.” § 87(2)(b) alleged that Sgt. Argyros told § 87(2)(b) at that time, “You can be down on the floor seizing until you die. I’m still gonna get your fingerprints.”

Sgt. Argyros claimed he had no recollection of having any interaction with § 87(2)(b) on the date of the incident, and he denied making the alleged rude statement. PO Castillo also denied hearing an officer make the alleged rude statement, and PO Grant did not recall an officer making the alleged statement.

§ 87(2)(g)

Allegation F: Sgt. Ioannis Argyros made remarks to § 87(2)(b) based upon her sex.

Allegation G: Sgt. Ioannis Argyros made remarks to § 87(2)(b) based upon her race.

As discussed in the previous allegation, § 87(2)(b) alleged that Sgt. Argyros referred to her as a “bitch” the first time he entered the cell area to yell at § 87(2)(b) § 87(2)(b) alleged that, when Sgt. Argyros returned several minutes later to move § 87(2)(b) back inside of the cell, he said, “Do you think I’m a rookie bitch? I’m not a rookie; you’re gonna do whatever I say you fat bitch.” She also alleged that, during the struggle to place § 87(2)(b) in handcuffs, Sgt. Argyros referred to her as a “monkey bitch.”

§ 87(2)(b) § 87(2)(g) Sgt. Argyros said to § 87(2)(b) the first time he entered the cell area, but she did not allege that he referred to § 87(2)(b) as a “bitch” at that time. Similarly, when Sgt. Argyros entered the cell area the second time, § 87(2)(b) § 87(2)(b) alleged instead that Sgt. Argyros told § 87(2)(b) “Now you better do what the fuck I tell you,” § 87(2)(g) but without referring to her as a “bitch”

at any point. § 87(2)(b) did not state that Sgt. Argyros called § 87(2)(b) a “monkey,” or that he made any remarks to § 87(2)(b) based upon her race at any point during the incident.

Again, Sgt. Argyros did not recall the incident, and denied making any references to § 87(2)(b)'s gender or race during the incident. PO Castillo denied hearing any officer make a reference to § 87(2)(b)'s gender or race, and PO Grant did not recall hearing any officer do so.

§ 87(2)(g)

[REDACTED]

Allegation H: Abuse of Authority – Sgt. Ioannis Argyros threatened § 87(2)(b) with the use of force.

§ 87(2)(b) and § 87(2)(b) both stated that, after Sgt. Argyros left the cell area, § 87(2)(b) opened the window again and continued to yell for help. Sgt. Argyros then returned to the cell area and struggled to place § 87(2)(b) in handcuffs with a group of officers, so that she could be moved back inside of a cell. The investigation determined by a preponderance of the evidence that § 87(2)(b) was resisting at this time by flailing her arms. § 87(2)(b) alleged that Sgt. Argyros told her he would “fuck her up” during this part of the incident. § 87(2)(b) alleged that he said, “If you touch the window again, I’m gonna come in there and beat the shit out of you.”

Sgt. Argyros denied telling § 87(2)(b) he would “fuck her up,” or that he threatened her in any other way. PO Grant did not recall hearing an officer make that threat to § 87(2)(b) and PO Castillo denied hearing an officer make that threat.

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

Allegation I: Sgt. Argyros used physical force against § 87(2)(b)

It is undisputed that, after Sgt. Argyros left the cell area the first time, § 87(2)(b) while still handcuffed to the outside of a holding cell, opened a window and started yelling outside for help. § 87(2)(b) and § 87(2)(b) both stated that Sgt. Argyros returned to the cell area several minutes later with a group of officers, and that, while placing § 87(2)(b) back inside of a cell, he used force against § 87(2)(b) § 87(2)(g)

§ 87(2)(b) stated that Sgt. Argyros placed her against the cell, placed her in handcuffs, and then slammed his elbow down on her upper back. She claimed to be offering no resistance whatsoever. In § 87(2)(b)'s IAB intake call, she alleged that Sgt. Argyros slammed his elbow down on her back and face, but she made no reference to her face being struck in the statement she provided to the CCRB.

§ 87(2)(b) stated that § 87(2)(b) continued to yell for help while the officers moved her into the cell, but that § 87(2)(b) was not resisting physically in any way. The officers grabbed § 87(2)(b)'s arms, pulled them behind her back, and brought her into the cell. § 87(2)(b) § 87(2)(b) alleged that Sgt. Argyros slapped § 87(2)(b) in the face at this time, but she did not allege that he used any other type of force against § 87(2)(b)

Sgt. Argyros denied entering the cell area to move § 87(2)(b) he denied slamming his elbow into § 87(2)(b)'s back, and he denied using any force whatsoever against § 87(2)(b) during the incident. PO Castillo also denied being present in the cell area at this time, and he denied seeing an officer slam his elbow into § 87(2)(b)'s back. PO Grant confirmed that he was one of the officers who moved § 87(2)(b) into the cell area, and that PO Castillo and Sgt. Argyros were also present in the cell area to assist him. He stated that § 87(2)(b) was very combative with the officers, and resisting by flailing her arms when they tried to place her in handcuffs. PO Grant confirmed that he and the other officers grabbed § 87(2)(b)'s arms, forced them behind her back, and placed her in handcuffs. He did not recall seeing an officer slam his elbow down on § 87(2)(b)'s back, however, and he denied that any other force was used against § 87(2)(b) at that time.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation D: Abuse of Authority – Sgt. Argyros did not obtain medical treatment for

§ 87(2)(b)

§ 87(2)(g)

According to Patrol Guide procedure 210-04 (3), a desk officer must request an ambulance for a prisoner who requires medical treatment during arrest processing, and have the prisoner removed to a hospital (10 Board Review).

§ 87(2)(g)

Pod:

Investigator: _____
Signature Print Date

Pod Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date